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7 OAK TREE PROPERTY GROUP,
8 Plaintiff,
9 v.
10 SHAVON BUTLER,
11 Defendant.

Case No. 25-cv-03344-SI

**ORDER ADOPTING REPORT AND
RECOMMENDATION AND
REMANDING CASE TO STATE
COURT**

Re: Dkt. Nos. 2, 5, 6, 9

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13 On April 16, 2025, defendant Shavon Butler removed this action from Alameda County
14 Superior Court. Dkt. No. 1. On April 17, 2025, Magistrate Judge Laurel Beeler issued a Report
15 and Recommendation in this action, advising remand to state court. Dkt. No. 9. Judge Beeler noted
16 that the only claim in the complaint, an unlawful detainer claim, does not arise under federal law.
17 *Id.* Judge Beeler also found no diversity jurisdiction and noted that all parties are residents of
18 California, and the complaint alleges less than the \$75,000 amount in controversy required. *Id.*
19 Defendant had 14 days from service of the Report and Recommendation to serve and file any
20 objections. Fed. R. Civ. P. 72; *see also* Fed. R. Civ. P. 6(d) (extending deadline by 3 days when a
21 party is served by mail). Defendant filed an objection on April 22, 2025 and requested a change of
22 venue to the Oakland courthouse. Dkt. No. 11. Defendant attempts to establish that the amount in
23 controversy is more than \$75,000, but has not attempted to argue that the parties are citizens of
24 different states as required for diversity jurisdiction. *Id.* As such, the amount in controversy is
25 inconsequential.

26 The Court has independently reviewed the filings in this case. The Court agrees with Judge
27 Beeler's analysis that federal subject matter jurisdiction is lacking. A defendant "may not remove
28 a case to federal court unless the *plaintiff's* complaint establishes that the case 'arises under' federal

1 law.” *See Franchise Tax Bd. of State of Cal. v. Constr. Laborers Vacation Tr. for S. California*,
2 463 U.S. 1, 9-11 (1983) (emphasis in original). Here, the original complaint was for unlawful
3 detainer, a state law cause of action that does not implicate federal subject matter jurisdiction. Dkt.
4 No. 1 at 2.

5 Accordingly, the Court ADOPTS the Report and Recommendation at Docket Number 9 in
6 full. This case is REMANDED to Alameda County Superior Court.

7 Defendant’s application for leave to proceed in forma pauperis is dismissed as moot. *See*
8 Dkt. No. 2. No filing fee is due.

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10 **IT IS SO ORDERED.**

11 Dated: May 6, 2025



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14 SUSAN ILLSTON
15 United States District Judge
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